

**TOWN OF COLCHESTER**

**COUNTY OF CHITTENDEN**

**STATE OF VERMONT**

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| In Re: | Ireland Industries, Inc.<br>100 Grove Street<br>Burlington, Vermont 05401 | Ireland Industries, Inc.<br>P.O. Box 2286<br>South Burlington, Vermont 05407 |
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Wright & Morrissey, Inc.  
P.O. Box 421  
Burlington, Vermont 05402

Tax Map 4, Parcel 030013 - 242 Severance Road  
Tax Map 4, Parcel 030023 - Severance Road  
Tax Map 4, Parcel 030033 - Severance Road  
Tax Map 4, Parcel 032003 - Roosevelt Highway

**FINDINGS OF FACT**

On the 25th day of July 2007, the Colchester Development Review Board approved the Final Plat and Site Plan applications of Ireland Industries, Inc. The Final Plan and Site Plan approval is to subdivide four existing parcels for a total of 86.7 acres into seven lots. The project will be developed as a Planned Unit Development to accommodate 206 residential dwelling units, 12,400 square feet of retail space, 34,040 square feet of office/commercial space, 4,050 square feet of restaurant space and 4,050 square feet of daycare space. The approval applies to lands identified in Book 128, Pages 397 and 399, Book 525, Page 629 and Book 66. The subject property is located at the intersection of US Routes 2 & 7 and Blakely and Severance Roads, Tax Map 4, Parcels 30-1, 30-2, 30-3 and 32 and approval is based upon the following facts:

**I. DISCUSSION**

This project consists of a Final Plat and Site Plan application for a Planned Unit Development on four existing parcels totaling 86.7 acres resulting in: 1) combining the four parcels into one parcel then creating a seven lot subdivision, 2) 206 residential units, and 3) 54,540 square feet of commercial use consisting of 12,400 square feet of retail space, 34,040 square feet of office/commercial space, 4,050 square feet of restaurant space and 4,050 square feet of daycare space. Subject property is located at the intersection of US Routes 2 & 7 and Blakely/Severance Roads, generally known as "Severance Corners", Tax Map 4, Parcels 30-1, 30-2, 30-3 and 32. This project received Preliminary Plat approval on February 22, 2006.

As of the date of issuance of the Findings of Fact and Order the following have obtained party status:

1. Tamara McLaughlin, 130 Pheasant Woods, Unit 200, Colchester, Vermont 05446

**The following is an excerpt from the minutes of July 25, 2007:**

Mike Buscher of T.J. Boyle Associates and Robin Jeffers of S. D. Ireland Industries appeared to present the Final Plat and Site Plan applications.

Mike Buscher directed the presentation. M. Buser provided a general overview of the proposed PUD.

The applicant and Board reviewed the Staff Notes and discussed all outstanding issues including, but not limited to, deed restriction for any clearing of what is shown beyond the plans, additional plantings along Pheasant Way, water allocation for Phase I and the need for additional allocation for Phase II and a revised start date for Phase I would be spring of 2008.

Tamara McLaughlin, 130 Pheasants Woods, #200, asked about screening, cutting and about the timing for construction

Steve Vock, of Civil Engineers discussed storage requirements for the project and the plans for installation of an emergency generator which will be used.

Mike Buscher addressed the request that dumpsters be completely enclosed in buildings. He explained that they are asking for variances for the dumpsters to be located closer to the buildings. If a dumpster was required to meet the setbacks it would be located far away from the restaurant and or other building and it would not make sense. If variances are not granted for the fully enclosed dumpsters they will be located out in the parking lots. The dumpsters as proposed will not be visible.

The Board reviewed the application and made the following comments:

- try to keep the ratio between residential and commercial in-line;
- there needs to be roofs on the dumpster enclosures;
- want to make sure that the Association promotes the active use of the pavilion for a farmer's market and other functions.

Tamara McLaughlin stated her appreciation for the added greenery along Pheasant Woods. She said she would like greenery planted along the edges/entrances to Pheasant Woods along Severance Woods. Mr. Melillo replied that the Board can't require an applicant to make improvements that are not on the property that is included in the application.

A **motion** was made by R. Bourassa and **seconded** by B. Ducharme to **close** the public hearing. The **motion passed** with a vote of 5 – 0.

## II. FINDINGS OF FACT

The Development Review Board has found that the project will not have any adverse effects as defined by the criteria listed in the Town of Colchester Zoning Regulations and the Subdivision Regulations.

### **ZONING REGULATIONS**

**Section 4.03C & D General Development Three District:** The proposed residential, office, retail, day care and standard restaurant uses are all allowed in the GD-3 District. The applicant submitted a phasing plan and schedule for the project. Phase I consists of 71 residential one and two bedroom units. Phase II consists of 32 residential one, two and three bedroom units, day care and office space. Phase III consists of 16 residential one bedroom units, office space and a restaurant. Phase IV consists of 54 residential one and two bedrooms units.

The phasing plan reflects what can be built under the current water storage. It appears from the application Phases 1 – 3 have sufficient water capacity for a total demand of 35,235 gpd.

**Section 4.03E Area, Density, and Dimensional Requirements:** The applicant requested and received interior setback waivers of 10 feet to property lines (20 foot front yard, five foot side yard, and 15 foot rear yard setback waiver) at Preliminary Plat. Setbacks between buildings shall not be less than 25 feet regardless of setbacks to property lines.

As requested at Preliminary Plat, the applicant has formally requested a waiver of the Planned Unit Development 50 foot buffer. This waiver includes as much as a 45 foot deviation due to public infrastructure. The closest building within this buffer strip will be 40 feet to the rear of the property, along the open space lot. The neighboring use on one side of the project where a waiver is necessary is Route I-289. The applicant has requested setback waivers from I-289 that would reduce the setback from 75 feet to 28 feet for parking and 50 feet for buildings.

Lot coverage is proposed to be 14.07% (70% max). The front yard coverage along Severance Road will be 12.83% (30% max). The front yard coverage along the I-289 corridor is proposed at 17.09% (30% max). The applicant received an interior front yard coverage waiver that allows for interior front yards to have 35% impervious coverage (30% max). This is a minor waiver that will allow for a higher degree of pedestrian circulation as sidewalks and paths count against coverage. The only waivers granted are those listed in the Final Plat application. No other waivers are contemplated or allowed at this time.

**Section 4.03F Additional Standards:** The building elevations of all sides of buildings were included in the Final Plat/Site Plan application.

**Section 4.03F(1)(a) Building Configurations:** Buildings are designed to reduce the visual massing of the structures through the use of varied roof lines, dormers, and gables as well as projecting bays. Concerns were raised at Preliminary Plat regarding the design of Building #11.

Revisions were submitted with the Final/Site Plan application showing Building #11 to be more compatible with the other buildings in the proposed development and reducing the amount of encroachment within the I-289 setback. As required at Preliminary Plat, entrances and pedestrian accesses have been provided for all buildings between the parking areas and public streets. Internal sidewalks such as those proposed on Lot One may employ pavers or scored concrete. It is the requirement of this Section of Ordinance that sidewalks shall “connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that includes trees, shrubs, benches, flower beds, ground covers, or other such material for no less than 50 percent of its length.” The building elevations for the north façade of Buildings #5 and #6 have been revised to incorporate entrances directly to Stuart Avenue.

Elevations for all side of buildings have been provided and note HVAC and utility locations. HVAC and utility infrastructure not attached to buildings are shown on the landscape plans. There are no separate service entrances or overhead doors.

The building elevations will be used as typologies with minor amendments to facades allowed through the administrative site plan review process. Minor amendments will include changes that do not substantially alter the general appearance of the building or pedestrian connectivity.

**Section 4.03F(1)(b) Building Heights & Scale:** The Final Plat application (Sheet L2.0) notes the number of usable stories in each of the buildings. All buildings will comply with the height limitations in the GD-3 district as illustrated on the architectural elevations.

**Section 4.03F(1)(c) Roofs:** All roof mounted mechanical equipment and duct work which project vertically more than 1.5 feet above the roof or roof parapet shall be screened by a permanent enclosure which uses material, design, and color which are consistent with the color scheme of the building.

**Section 4.03F(2)(a) Pedestrian Accessibility:** The applicant provided sidewalks and bike paths throughout the project as required by the Preliminary Plat Approval. A ten-foot wide multi-use path runs along the frontage of the project on Severance Road. The path enters the project along Shea Drive where the path tapers to an eight-foot wide path. The path runs the length of Shea Drive as well as splits off at the intersection of Shea Drive and Stuart Avenue and runs westerly to Pegs Cove. The path should be complemented by benches especially along the portion of Shea Drive that backs up to a wetland area that will be a natural preserve area. Small sitting areas will be constructed along this portion of the path to let pedestrians visually access the natural area.

Buildings 1, 2, 3, 4 and 8 have been revised to show sidewalks connecting with the adjacent roads.

A path layout for Lot #7 is depicted on Plan L2.3. The location of the path utilizes existing ‘logging roads’ and will be left as it is found naturally due to the steep terrains of the land. There will be an addition of a small pedestrian bridge to cross an intermittent stream at the bottom of the valley and a small picnic area shown at the west end of a trail extension from building #11.

The 'open land' will be owned by the Master Association and as such will be maintained by the Association as a common element shared between all members of the Association. The applicant is aware that the Town will not accept Lot #7 for public land. All areas designated as pocket parks or more formal recreation areas will be regularly maintained, i.e. cleaned, mowed, and landscaped by the Association on a regular basis. Internal sidewalks such as those proposed on Lot One may employ pavers or scored concrete. It is the requirement of this section of the ordinance that sidewalks shall "connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that includes trees, shrubs, benches, flower beds, ground covers, or other such material for no less than 50 percent of its length."

**Section 4.03F(2)(c) Central Features & Community Spaces:** The applicant provided multiple recreational amenities to develop an area welcoming to both residents of the PUD as well as the general public. This portion of the Zoning Regulations calls for: "Each establishment subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower, or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the Development Review Board adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the buildings and landscape."

Recreational areas include the following: 1) A central green will serve as a visual center of the development as well as a social center. The central green includes a gazebo designed to enhance the aesthetics of the area as well as to provide an area for passive recreational use. There will also be tables under a cable and wood structure that will be covered in vines to allow shade in summer months and allow sun through during winter and spring. 2) An open air market, which will include a long-roofed colonnade with a central pavilion at the front of the project, adjacent to Severance Road, which may include a farmer's market, art shows or other open air activities. As requested at Preliminary Plat, the applicant submitted a document for establishing and operating a community farmer's market. 3) Sidewalks, multi-use recreation pathways, internal walkways, open space trails, nature trails and a foot bridge, for connecting pedestrian circulation throughout the development. 4) Sitting and picnic areas are provided throughout the development to allow users to stop and rest or to sit and enjoy at their leisure. 5) A clock tower will be provided at building #3 to enhance the visual aesthetics of the community and help create the small town setting that is meant for the Severance Road PUD. 6) A multi-use court and play area as well as a community room will be provided. The general use room will allow indoor gatherings and will be available for use by neighborhood social groups, children's activities, and meetings of the homeowner's associations. (Reference Sheet L2.3)

**Section 4.03F(2)(d) Outdoor Furniture:** Outdoor furniture such as benches and other forms of seating and trash receptacles are located throughout the development for the convenience of the pedestrians. The applicant tied pedestrian ways together with green areas utilizing outdoor furniture where appropriate. Tables have been provided in the Central Green area as well as at the picnic area on Lot #7.

**Section 4.03F(2)(e) Parking Design:** At Sketch Plan the applicant consulted with the Development Review Board on the issue of reducing the visual dominance of automobiles. The Board has endorsed the current plan as meeting this requirement. Lot One employs center block parking and subsurface parking is utilized in other areas.

The Zoning Regulations require 735 parking spaces. The applicant proposed 624 parking spaces, requiring a 15% waiver request (or 111 spaces). With the reserved parking areas shown on the plan, both surface and subsurface, the applicant will have the ability to provide the full number required, plus three (3) additional (for 738 spaces total).

The applicant proposed landscaping to break up the parking spaces. As each building is considered in the site plan review process, the parking requirements for the building should be considered under the Zoning Regulations in effect at that time. The applicant should not propose parking in excess of the required minimum in the Zoning Regulations.

Each time a use changes, a cumulative impact statement must be updated and submitted to the Planning and Zoning Office noting number of employees per shift, hours of operation, projected sewer and traffic, and estimated parking usage at different times of the day. Should a use exceed the constraints of the parking, sewer, or traffic the Development Review Board would be required to review the change in use.

Seven handicapped spaces are required for Lot One and six are provided. Six handicapped spaces are required for Lot Two and two are provided. Lot Three requires four handicapped spaces however spaces may be provided in the driveways of the townhouses. Lot Four requires four handicapped spaces and two are provided. Lot Five requires four handicapped spaces as provided. Lot Six requires five handicapped spaces and three are provided.

Sheet L2.1 shows all parking including underground parking in buildings 5, 6, 7, and 11. Underground parking will be assigned to residents only. The number of underground parking and handicap parking spaces for each building is:

Building 5 & 6 (connected underground): 78 spaces including 4 handicap

Building 7: 35 spaces including 2 handicap

Building 11: 49 spaces including 2 handicap

Bike racks are provided for all buildings except #2 and #5. The applicant provided revised plans that show an additional bike rack near the northeastern entrance of building #5 near Stuart Avenue. One additional bike rack will be shown near the entrance of building #2 on plans submitted for final recording with the Town. Bike racks have also been provided at the playground and the open air market as requested at Preliminary Plat.

**Section 4.03F(3) Landscaping:** The applicant provided a variety of plantings for street trees, foundation plantings, and screening as detailed in the landscape schedule on Sheet L3.2. The landscaping schedule has been broken out by lots and will be installed in coordination with the overall phasing of the project.

The applicant included restrictions on clearing vegetation within the PUD buffer with Pheasant Woods within the legal documents being reviewed by the Town's Attorney. The Plat plan submitted for final recording with the Town will have a note added regarding the clearing restriction within the buffer against Pheasant Woods.

**Section 4.03F(4) Dumpsters:** As required at Preliminary Plat, dumpsters are now shown on the plans. All dumpsters shall be screened per this section of the regulation. The applicant received a variance for locating dumpsters within 10 feet of the public right-of-way (50 feet required) and within 0 feet of sidewalks (20 feet required).

**Section 4.03F(5) Loading Docks & Delivery / Loading Operations:** Loading docks, truck parking, utility meters, HVAC equipment, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the building and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties.

**Section 9.01C Planned Unit Development General Standards:** The project encompasses an area greater than five acres. The proposal demonstrates an effective and unified treatment of the development possibilities on the project site. The applicant requested a waiver for a reduction from the 50 foot PUD setback to 5 feet; the waiver was granted at Preliminary Plat.

**Section 9.01D Specific Standards:** The applicant requested several setback waivers (see discussion under Section 4.03E). All lot size requirements are being met.

**Section 9.01D(3) Open Space:** The total project area is 86.7 acres and the applicant proposed at least 51.43 acres or 59.31% of the project on Lot Seven to remain open. There are several open spaces throughout the project that include a wetland on Lot Five, a green on Lot Two, and difficult terrain on Lots 3, 4, and 6.

A path layout for Lot #7 is depicted on Plan L2.3. The location of the path utilizes existing 'logging roads' and will be left as it is found naturally due to the steep terrains of the land. There will be an addition of a small pedestrian bridge to cross an intermittent stream at the bottom of the valley and a small picnic area shown at the west end of a trail extension from building #11. The 'open land' will be owned by the Master Association and as such will be maintained by the Association as a common element shared between all members of the Association. The applicant is aware that the Town will not accept Lot #7 for public land. All areas designated as pocket parks or more formal recreation areas will be regularly maintained, i.e. cleaned, mowed, and landscaped by the Association on a regular basis.

**Section 9.01D(4) Varied Types of Dwellings:** The applicant provided a variety of multifamily housing types including townhouses, upper level lofts above the commercial uses on Lot One, and garden style dwelling units. The applicant also provided information on the exterior colors of the proposed residential structures. As proposed, the applicant shall utilize a variety of colors, especially for the townhouses to avoid identical replication of structures. The applicant agreed to use a variety of colors to avoid identical replication of structures to include but not limited to cinder, dark gray, cape cod gray, mountain laurel, sandstone along with varying trim colors.

**Section 10.01 Off Street Parking, Loading & Circulation:** No overhead doors are currently proposed on any of the buildings. The dumpster buildings near buildings 5, 7, and 11 will each have an overhead door. Internal landscaping of parking areas is proposed including planting islands. The applicant was requested to note if the islands will be depressed to encourage stormwater infiltration. The applicant responded that none of the internal landscape islands are currently proposed as depressed to encourage stormwater infiltration. The applicant revised the landscape plan to provide additional screening in the form of evergreen shrubs or low walls to screen headlights in parking lots from streets and residences. These areas include: 1) A 6 foot tall contiguous, solid board fence is proposed between the parking for building #7 and townhouse units #1-4. In addition, a combination of evergreen and deciduous trees and shrubs will screen headlights in parking lots from streets and residences; 2) A 6 foot tall contiguous, solid board fence is proposed between the parking for building #5 and 6 on lot 2 and the opposing townhouse units. In addition, a combination of evergreen and deciduous trees and shrubs will screen headlights in parking lots from streets and residences. (see illustrated section on sheet L6.0 – shown at time of planting); 3) the interior parking lot for Lot One and Severance Road will contain a combination of a contiguous low hedge in front of the farmer's market structure, larger shrubs, trees, and the open-air structure of the farmer's market provide screening of cars in lot one from Severance Road (see illustrated section and elevations on sheet L6.1); 4) A combination of slight earth berming and street trees allow delineation between Stuart Avenue and the adjacent parking on Lot 1; 5) A large earthen berm and combination of deciduous and evergreen plantings will screen views from I-289 and the parking lot for Lot Five, and; 6) A large earthen berm and combination of proposed and existing deciduous and evergreen plantings will screen views from I-289 and the parking lot for Lot Six (see sight-line analysis sections on sheet L6.3). All parking spaces have been revised from Preliminary Plat plans to 20 foot depth. Recreational vehicles shall be banned or appropriate parking provided. The legal documents reflect language banning storage of recreational vehicles within the project. While the property exceeds 250 parking spaces, the mixed use nature of the project and use of structured parking may count as appropriate mitigation. A bus stop has been provided on Severance Road as requested by CCRPC and CCTA. A total of 114 reserved parking spaces are shown on sheet L2.1 which, when built if needed, would bring the total parking onsite to 738 spaces, 3 more than required by zoning. The applicant has agreed that at such time the Town determines additional parking is necessary, they will construct the reserved parking areas.

**Section 10.02 Outdoor Illumination:** As part of the Final Plat application the applicant revised all lighting design from the Preliminary Plat application upon recommendation of Staff to reflect the new lighting standards. The GD-3 zoning district is classified within Lighting District 3, Section 10.02C(3), which allows a maximum mounting height of 15 feet. The revised lighting plan utilizes the Lumec Serenade post top luminaire throughout the development. Within the public right-of-ways the fixtures utilize an 85 watt induction lamp as prescribed in the Colchester Comprehensive Street Lighting Plan. Within private parking areas and other spaces with free standing exterior lighting, a combination of 100 watt and 150 watt ceramic metal halide lamps have been used. The average foot candles for the various areas range from .55 to 1.07 footcandles and the maximum to minimum ratio is 14.87:1 within the public ROW and does not exceed 12.94:1 in any private area. A total of 53 fixtures are shown within the public ROW, and 63 total fixtures within privately owned areas throughout the development. All lighting



calculations and fixture locations are shown on sheets L4.0 through L4.3. Cut-Sheets of the fixture are supplied on sheet L5.1.

All proposed street lights within public rights-of-way shall be constructed so as to become the property of the Town upon acceptance of the streets.

**Section 10.03 Outside Storage & Display:** No uses are proposed that customarily include outside storage. The current application does not include any request for outside storage or display. Any proposals for outside storage or display will be required to amend the site plan for the Building at a future date. Any outside storage and/or display proposed shall be appurtenant to the primary use of the property. Again, no outside storage is requested or approved at this time.

**Section 10.04 Landscaping, Screening, and Street Trees:** The applicant provided a variety of plantings for street trees, foundation plantings, and screening as detailed in the landscape schedule on Sheet L3.2. Landscaping will be installed in coordination with the phasing of the overall project. Utility equipment and proposed screening are shown on sheets L3.0 - L3.3. Total cost of landscaping is proposed to be \$378,294. A substantial increase in plantings and a large earthen berm along the I-289 corridor is shown on the Final Plans. Vegetation includes a mix of deciduous and evergreen trees and shrubs as illustrated on Sheets L3.1 and L3.2 in plan form, and on sheet L6.3 in elevation. Language within the project legal documents includes a restriction for clearing vegetation within the buffer to Pheasant Woods. Additionally, a note will be added to the Final Plat to note the clearing restriction.

**Section 10.05 Utility Cabinets and Similar Structures:** Utility cabinets and similar structures have been shown on the plans, as well as the method of screening. All utility cabinets shall include suitable fencing to protect the public and sufficient landscaping with evergreens of sufficient height and density to screen effectively the facility from surrounding property.

**Section 10.06 Trash Containers:** All commercial, industrial, and multi-family dwelling unit trash containers shall be centrally located on a concrete pad and enclosed with an opaque screen that is the minimum height of the containers. The location of the trash containers shall not be in a visually prominent area and shall generally be behind a building and not visible from the right-of-way. Trash containers shall be located so as to not interfere with circulation on the site. Where feasible the trash container screening shall also include a latching gate.

Dumpster locations have been provided on Sheet L1.0. Trash removal for the townhouses will be curbside. All dumpsters will have enclosed screening structures including some fully enclosed buildings in addition to landscape screening.

**Section 10.07 Numbering Systems:** Multi-family residences and commercial or industrial suites shall contain appropriate directional signs, as defined in the Colchester Sign Ordinance, and numbering systems at major entrances. The applicant shall work with the Town Assessor to provide street numbers for units prior to issuance of building permits. All directional signage, street name signs, and unit numbers shall be installed prior to issuance of a Certificate of Occupancy.

**Section 10.11 Satellite Dishes:** All satellite dishes shall be attached to a primary structure. No more than two satellite dishes shall be located on a structure without site plan approval by the Development Review Board. Every effort shall be made to screen such dishes and locate such dishes off the primary façade of a structure.

**Section 10.12 Bus Shelters:** A future bus shelter and drop off has been shown near the entrance of the proposed development along Severance Road.

### **SUBDIVISION REGULATIONS**

**Section 301 Required Improvement List:** The project will be expected to comply with this section of the Subdivision Regulations as part of the Final Plat approval.

**Section 302 Suitability of Land:** The applicant previously submitted a density plan that illustrated that a maximum of 377 dwelling units could be constructed on the property. The applicant is proposing 207 dwelling units.

**Section 303 Lot Layout:** All proposed lots are regularly shaped. Open space is planned to the south to be contiguous with the Sunderland Natural Area. The applicant has requested setback waivers per the Planned Unit Development Section Nine of the Zoning Regulations. A bike path is shown on the plans per the Official Map.

**Section 304 Building Envelopes:** While building envelopes are generally preferred instead of building footprints in residential subdivisions, the project is a tight mix of uses and the applicant has already noted interior lot line waivers that will be needed for the project. The applicant has submitted a Site Plan Application with the Final Plat application so that any changes to buildings may be handled through the Site Plan process instead of the Final Plat hearing process.

**Section 305 Monuments and Lot Corner Markers:** The proposed lots will be expected to comply with this section of the Subdivision Regulations as part of the Final Plat approval.

**Section 306 Energy Conservation:** All residential units must meet or exceed the Vermont Residential Building Energy Standards. The applicant has stated in the narrative portion of the application that all buildings will be designed to the energy performance requirement in the Vermont Act 250 Energy Guidelines.

**Section 307 Water Supply:** A letter from the Champlain Water District to the Fire District has indicated that there is not adequate water storage to serve the entire project. The Fire District is working with the Water District on this issue. A phasing plan for the project was submitted with the Final Plat application. Attached to this document is a breakdown of the water demand per phase. A letter from the Colchester Fire District No. 3, dated June 2, 2006 shows existing capacity for 45,831 gallons per day. Phase I requires a total of 39,150 gallons per day and Phase II requires 12,294 gallons per day. An additional allocation of 1,698 gallons per day are required for Phase II (*the daycare requires 1,825 GPD which could be moved to Phase III*). Phase III and IV require an additional 19,661 gallons per day for a total of 21,359 additional gallons per day

for completion of all phases. Prior to issuance of individual building permits, the applicant shall submit a letter from CWD stating that there is adequate water storage to serve the project. Along with the application for any building permits, the applicant will supply sufficient documentation from CWD showing adequate water storage. Plans will be supplied to CWD if further documentation than the letter dated June 2, 2006 is required for their approval of the proposed water system.

**Section 308 Sewage Disposal:** A revised sewer calculation table dated February 6, 2007 was supplied with the Final Plat application using the most current wastewater rules. Phase I will require 24,348 gpd. Phase II will require 8,701 gpd. Phase III will require 6,478 gpd and Phase IV will require 9,166 gpd. The total design sewer flow for the PUD is 48,693 gpd.

The applicant submitted a chart showing the use and design sewer flow per commercial or mixed use building is required. The revised sewer calculations have been divided into the current phasing schedule for the project. In addition, 6,250 gallons have been transferred to the Severance Corners Village Center Project and another 10,000 gallons transferred to the Water Tower Hill Development. The total design sewer flow for the project is 48,693 gallons per day. Additional sewer capacity of 2,563 gallons is required for the construction of Phase IV. The total current allocation required for the PUD is 51,256 gpd.

The applicant is aware that the Sunderland Hollow pump station has been identified as near capacity and the Town is currently assessing how to increase the maximum storage capacity of this facility. The proposed resolution is the installation of an emergency generator. At such time as the emergency generator is warranted, the applicant shall pay a fee towards the cost based upon their total wastewater allocation at full build-out.

No floor drains will be allowed unless specifically approved by the Public Works Department. Location and design elements for each floor drain must be submitted for review. No intrusion with storm water is allowed. Floor drains will be required within the underground garages for building 5, 6, 7, and 11. Location and design for each floor drain will be submitted for review when detailed plans for each building are created prior to building permit requests. Sheet C3.1 shall be revised to show the sanitary sewer connection to Unit 1-4. Plans will be amended to appropriately show the sanitary sewer connection to townhouse units 1 – 4. An easement to the Town of Colchester for the proposed sanitary sewer line along the northwest portion of the project shall be shown on the plans and the plat as part of the Final Plat application. A 20 foot wide sewer easement to the Town of Colchester is shown on the Plat of Proposed Subdivision (PL-2 and PL-3).

**Section 309 Site Preservation and Landscaping:** The applicant has provided a variety of plantings for street trees, foundation plantings, and screening as detailed in the landscape schedule on Sheet L3.2. Landscaping will be installed in coordination with the phasing of the overall project. Utility equipment and proposed screening are shown on sheets L3.0 - L3.3. Total cost of landscaping is proposed to be \$378,294. A substantial increase in plantings and large earthen berm along the I289 corridor was shown at the final Preliminary Plat hearing as represented in plans submitted for the Final Plat application. Vegetation includes a mix of deciduous and evergreen trees and shrubs as illustrated on sheets L3.1 and L3.2 in plan form, and

on sheet L6.3 in elevation. Language within the project legal documents includes a restriction for clearing vegetation within the buffer to Pheasant Woods. Additionally, a note will be added to plans submitted for final plat recording to note the clearing restriction.

**Section 310 Streets:** All of the proposed streets will be constructed so as to become public streets. All private parking areas will be maintained by a property owner association. All proposed streets, bike paths and sidewalks shall be constructed to the standards set forth in Chapter 14 of the Colchester Code of Ordinance. All proposed streets, bike paths and sidewalks are constructed to the standards set forth in Chapter 14 of the Colchester Code of Ordinance unless specifically addressed in waivers obtained through the public works department. All bike paths within the development that are not within Town right-of-way should be within easements provided to the Town. The applicant states that any bike path or portion of bike path not within the proposed or existing Town right-of-way will have an associated easement deeded to the Town. It is only anticipated that this will be necessary for portions along Severance Road. The Final Plat application shall include a survey plat depicting this. All borings and cross-sections have been reviewed and revised where necessary as approved by the Colchester Department for Public Works. Certain waiver requests have been made and approved by the DPW. As required, the typical sidewalk ramp detail was revised to 1.8" reveal.

All road sections and details have been reviewed and revised as approved by the Colchester Department of Public Works.

**Section 311 Pedestrian Access:** The applicant is providing sidewalks and bike paths throughout the project as required. A ten-foot wide multi-use path runs along the frontage of the project on Severance Road. The path enters the project along Shea Drive where the path tapers to an eight-foot wide path. The path runs the length of Shea Drive as well as splits off at the intersection of Shea Drive and Stuart Avenue and runs westerly to Pegs Cove. The path should be complemented by benches especially along the portion of Shea Drive that backs up to a wetland area that will be a natural preserve area. Small sitting areas will be constructed along this portion of the path to let pedestrians visually access the natural area.

As required at Preliminary Plat, Buildings 1, 2, 3, 4 and 8 have been revised to show sidewalks connecting with the adjacent roads.

A path layout for Lot #7 is depicted on Plan L2.3. The location of the path utilizes existing 'logging roads' and will be left as it is found naturally due to the steep terrains of the land. There will be an addition of a small pedestrian bridge to cross an intermittent stream at the bottom of the valley and a small picnic area shown at the west end of a trail extension from building #11. The 'open land' will be owned by the Master Association and as such will be maintained by the Association as a common element shared between all members of the Association. The applicant is aware that the Town will not accept Lot #7 for public land. All areas designated as pocket parks or more formal recreation areas will be regularly maintained, i.e. cleaned, mowed, and landscaped by the Association on a regular basis. Internal sidewalks such as those proposed on Lot One may employ pavers or scored concrete. It is the requirement of this section of the ordinance that sidewalks shall "connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature

adjoining landscaped areas that includes trees, shrubs, benches, flower beds, ground covers, or other such material for no less than 50 percent of its length.”

**Section 312 Utilities:** All utilities shall be underground. The project will be expected to comply with this section of the Subdivision Regulations as part of the Final Plat approval.

**Section 313 Storm Drainage & Erosion Control:** The Town Engineer reviewed the project’s erosion control plan and storm water management plan per current State standards and the Town’s Public Works Standards. These standards require that the storm water management system meet the design requirements for a 25 year storm.

On Sheets C-2.0 and C-2.4 the 42” HDPE storm water pipe shall not exceed 2% slope between the last catch basin or manhole and pipe outlet. Installation of at least one additional manhole is necessary and shall be located such that the final leg of the storm water pipe is at a maximum 2% slope. On Sheet C-2.4 Catch Basin 86 indicates two invert elevations in but shows only one. An easement for the storm water 8’ wide stone lined ditch shall be shown on the Wright & Morrissey Inc. property as well as the State of Vermont Routes 2 & 7 right-of-way in the Final Plat submittal.

A suitable access road to the storm water detention ponds must be provided. A six-foot high security fence shall be constructed around the storm water detention ponds. A cross section of the storm water detention ponds indicating the elevation of Pond Outlet Structure, Stone Line Overflow, and Top of Pond are provided on Sheet C-5.2. The applicant should provide site specific detail for the End Section Detail w/ Stone Fill. The Flared End Section should be located within the center of the stone lined ditch.

A requirement of the Final Plat will be that the applicant enters into a Storm water Permit Co-Applicant Maintenance Agreement which must be executed in conjunction with and upon acceptance of the roads and public right-of-way.

**Section 314 Excavation & Grading:** The project will be expected to comply with this section of the Subdivision Regulations as part of the Final Plat approval.

**Section 315 Outdoor Lighting:** As part of the Final Plat application the applicant has revised all lighting design from the Preliminary Plat application upon recommendation of Staff to reflect the new lighting standards. The GD-3 zoning district is classified within Lighting District 3, Section 10.02C(3), which allows a maximum mounting height of 15 feet. The revised lighting plan utilizes the Lumec Serenade post top luminaire throughout the development. Within the public right-of-ways the fixtures utilize an 85 watt induction lamp as prescribed in the Colchester Comprehensive Street Lighting Plan. Within private parking areas and other spaces with free standing exterior lighting, a combination of 100 watt and 150 watt ceramic metal halide lamps have been used. The average foot candles for the various areas range from .55 to 1.07 footcandles and the maximum to minimum ratio is 14.87:1 within the public ROW and does not exceed 12.94:1 in any private area. A total of 53 fixtures are shown within the public ROW, and 63 total fixtures within privately owned areas throughout the development. All lighting

calculations and fixture locations are shown on sheets L4.0 through L4.3. Cut-Sheets of the fixture are supplied on sheet L5.1.

All proposed street lights within public rights-of-way shall be constructed so as to become the property of the Town upon acceptance of the street.

**Section 316 Recreation Areas:** The applicant is providing multiple recreational amenities to develop an area welcoming to both residents of the PUD as well as the general public. This portion of the Zoning Regulations calls for: “Each establishment subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower, or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the Development Review Board adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the buildings and landscape.”

Recreational areas include the following: 1) A central green will serve as a visual center of the development as well as a social center. The central green includes a gazebo designed to enhance the aesthetics of the area as well as to provide an area for passive recreational use. There will also be tables under a cable and wood structure that will be covered in vines to allow shade in summer months and allow sun through during winter and spring. 2) An open air market, which will include a long-roofed colonnade with a central pavilion at the front of the project, adjacent to Severance Road, which may include a farmer’s market, art shows or other open air activities. As requested at Preliminary Plat, the applicant submitted a document for establishing and operating a community farmer’s market. 3) Sidewalks, multi-use recreation pathways, internal walkways, open space trails, nature trails and a foot bridge, for connecting pedestrian circulation throughout the development. 4) Sitting and picnic areas are provided throughout the development to allow users to stop and rest or to sit and enjoy at their leisure. 5) A clock tower will be provided at building #3 to enhance the visual aesthetics of the community and help create the small town setting that is meant for the Severance Road PUD. 6) A multi-use court and play area as well as a community room will be provided. The general use room will allow indoor gatherings and will be available for use by neighborhood social groups, children’s activities, and meetings of the homeowner’s associations. (Reference Sheet L2.3)

**Section 317 Open Space & Common Land:** The total project area is 86.7 acres and the applicant has proposed at least 51.43 acres or 59.31% of the project on Lot Seven to remain open. There are several open spaces throughout the project that include a wetland on Lot Five, a green on Lot Two, and difficult terrain on Lots 3, 4, and 6.

A path layout for Lot #7 is depicted on Plan L2.3. The location of the path utilizes existing ‘logging roads’ and will be left as it is found naturally due to the steep terrains of the land. There will be an addition of a small pedestrian bridge to cross an intermittent stream at the bottom of the valley and a small picnic area shown at the west end of a trail extension from building #11. The ‘open land’ will be owned by the Master Association and as such will be maintained by the

Association as a common element shared between all members of the Association. The applicant is aware that the Town will not accept Lot #7 for public land. All areas designated as pocket parks or more formal recreation areas will be regularly maintained, i.e. cleaned, mowed, and landscaped by the Association on a regular basis.

**Section 318(A) Pollution:** One of the driving concepts behind this mixed-use development is the integration of shopping, dining, and services with residential components. This combination of uses can reduce automobile dependency, and therefore reduce auto emissions. The applicant has stated in the narrative portion of the application that all buildings shall be designed to the energy performance requirement in the Vermont Act 250 Energy Guidelines.

**Section 318(B) Water Supply:** A letter from the Champlain Water District to the Fire District has indicated that there is not adequate water storage to serve the entire project. The Fire District is working with the Water District on this issue. A phasing plan for the project was submitted with the Final Plat application. Attached to this document is a breakdown of the water demand per phase. A letter from the Colchester Fire District No. 3, dated June 2, 2006 shows existing capacity for 45,831 gallons per day. Phase I requires a total of 39,150 gallons per day and Phase II requires 12,294 gallons per day. An additional allocation of 1,698 gallons per day are required for Phase II (*the daycare requires 1,825 GPD which could be moved to Phase III*). Phase III and IV require an additional 19,661 gallons per day for a total of 21,359 additional gallons per day for completion of all phases. Prior to issuance of individual building permits, the applicant shall submit a letter from CWD stating that there is adequate water storage to serve the project. Along with the application for any building permits, the applicant shall supply sufficient documentation from CWD showing adequate water storage. Plans will be supplied to CWD if further documentation than the letter dated June 2, 2006 is required for their approval of the proposed water system.

**Section 318(C) Soil Erosion:** The Town Engineer reviewed the project's erosion control plan and stormwater management plan per current state standards and the Town's Public Works Standards. These standards require that the stormwater management system meet the design requirements for a 25 year storm. See comments in Section 313 above.

**Section 318(D) Traffic:** A third party consultant was employed to review the traffic study prepared by the applicant for this project. The Police Chief has reviewed the revised crash data provided as part of an update to the traffic study conducted by RSG and has determined that the high accident rate at Roosevelt Highway / Blakely Road / Severance Road is generally related to turning movements (i.e. southbound left turn and northbound left turn approaches on Roosevelt Highway). The project is not expected to significantly impact the rate of accidents at this intersection. The third party consultant, Michael Oman, completed an independent review of the RSG traffic study and concluded that the study is acceptable. One action item includes the construction of a left-turn lane on the westbound approach of Severance Road to the Dylan Road intersection and optimization of the traffic signal timing plan at the U.S. 2/7 intersection with Blakely and Severance Roads. The turn lane shall be constructed in conjunction with the first building permit and finished prior to issuance of the first Certificate of Occupancy. A phasing table for the project has been submitted. After each phase of the project the applicant shall perform a warrant analysis for the required improvements.

The applicant shall contribute toward the design and construction of improvements to the Severance Corner's Intersection and pedestrian improvements along Severance Road and U.S. Rt. 7 as outlined in a Public/Private Partnership Agreement currently being negotiated between the Town of Colchester and all Developers within the Severance Corners Growth Center.

**Section 318(E) Natural Areas:** The applicant depicted the wetland buffer, streams and stream buffers on the plat of the project. The site plans correctly show all streams, buffer, wetland, and wetland buffer. All wetland classifications are labeled on the existing conditions plan, sheet C-1.0. There are streets and a bike path proposed in the wetland buffer that will require a Conditional Use Determination from the State. A draft of the CUD application is provided in the Final Plat Application. The CUD application will be revised to include additional disturbance for the installation of maintenance of underground electric along Severance Road. The CUD will encompass the entire area of what will be dedicated to the town as public ROW as permanent disturbance. It is not anticipated that there will be any restrictions imposed within this area. The Final Plat submittal included information on rare or threatened species, habitat, or natural areas on the project site per the 2002 Municipal Plan. A letter from John Austin dated June 23, 2006, included in the Final Plat application states that "... the Department finds that there are no issues regarding necessary wildlife habitat associated with criterion 8(a) of Act 250." He goes on to further state that "... the steep terrain leading to the small tributary that flows to Sunderland Brook is important wildlife habitat and important for maintaining water quality within the Sunderland Brook drainage. I do not recommend developing any sort of formal trail infrastructure in that area due to the steep topography and habitat value."

**Section 318(E) Historic Sites:** The applicant was requested to provide information at Preliminary Plat regarding historic sites or archaeological sites present on the site. A letter from the University of Vermont's Consulting Archeology Program, dated December 3, 2002, and associated Archaeological Resource Assessment dated December 2, 2002 are included in the Final Plat application. The ARA notes that "... proposed project elements will have no effect on historic cultural resources." The ARA goes on to state that the area encompassing Lots 1, 2 and 3 was determined to be archaeologically sensitive and recommended that a Phase 1 site identification test be completed prior to construction. The University is being retained to proceed with the Phase 1 investigation and will be further reviewed under Criterion 8 for Act 250. The applicant should be aware that any substantive changes such as a reduction in lots or substantially revised layout resulting from mitigation would require a Final Plat amendment.

**Section 318(F) Streets & Public Facilities:** All of the proposed streets will be constructed so as to become public streets. All private parking areas will be maintained by a property owner association. Unless otherwise allowed by the Public Works Director, all proposed streets, bike paths and sidewalks shall be constructed to the standards set forth in Chapter 14 of the Colchester Code of Ordinance. All proposed streets, bike paths and sidewalks are constructed to the standards set forth in Chapter 14 of the Colchester Code of Ordinance unless specifically addressed in waivers obtained through the public works department. The applicant stated that any bike path or portion of bike path not within the proposed or existing Town right-of-way will have an associated easement deeded to the Town. It is only anticipated that this will be necessary for portions along Severance Road. The Final Plat shall include a survey plat depicting



this. All borings and cross-sections have been reviewed and revised where necessary as approved by the Colchester Department for Public Works. Certain waiver requests have been made and approved by the DPW. As required, the typical sidewalk ramp detail was revised to 1.8" reveal.

All road sections and details have been reviewed and revised as approved by the Colchester Department of Public Works.

**Section 318(G) School Review:** An Act 250 school impact questionnaire was supplied to the applicant from John Gifford, Business and Operations Manager of the Colchester School District which states the Colchester schools have adequate capacity to accept the additional students created by this project. The questionnaire was included in the Final Plat application.

**Section 318(H) Governmental Services:**

The Colchester Life Safety Officer, as consulted with the two fire departments that service Colchester. For the purposes below, references to the AHJ shall mean the Life Safety Officer. Should the AHJ be a different person, the Officer will direct the applicant to the appropriate person. Their comments are as follows:

The applicant has reviewed the staff comments from the comments from the Fire Chief and provides a response to each item below. It should be noted that several meetings with the AHJ took place after the preliminary plat application and all requirements were met.

Item 1. All fire dept. connections have been located as requested as previously requested.

Item 2. 2a. It is understood that a locator light shall be provided at all FDC's.

Item 2. 2b It is understood that standpipes shall be provided for all 3 story buildings.

Item 3. It is understood that all 4-plexes and any building of 10,000 sq. ft. or larger are required to have sprinklers.

Item 4. It is understood that the fire chief recommends that all buildings be sprinklered

Item 5. In general the hydrants were located near FDC's ( as directed by the AHJ), however some are located farther than 75 feet which can be shifted to meet the 75 foot requirement. The additional hydrants have been added since our preliminary agreement with the Town (we met several times with the AHJ and we were told he had authority to direct hydrant placement).

Item 6. The water line is looped from Shea Drive to the extension of Pegs Cove as agreed with the AHJ. A line extension down Dylan Ave to Severance Road will be very expensive and provide minimal benefit.

Item 7. All buildings shall meet the 25 foot minimum separation between buildings as required by the town.

Item 8. It is understood that an access box with the required keys shall be required and located as determined by the AHJ.

Item 9. All fire lanes were reviewed with the AHJ and illustrated on the fire access plan, sheet L2.4. Areas determined by the AHJ as to where setup is necessary were revised and appropriately shown on plans. Thick outlined red circles represent specific areas for setup. Thick red lines represent areas of contiguous access.

Item 10. Aerial access for 100% of the exterior of buildings 5, 6, 7, and 11 was satisfied as per revisions requested by the AHJ, shown on sheet L2.4.

Item 11. It is understood that elevators shall meet the requirements of section 7-62

Item 12. It is understood that the fire alarm panel location shall be determined by the AHJ  
Item 13. It is understood that floor plans will be required for all buildings

1. Proposed Buildings

For reference purposes the following data has been compiled from the application.

All further items of concern listed below were re-addressed by the memo faxed to Mike Buscher on 7/16/07. Items 1 through 13 above address all concerns.

Table 1: Proposed Buildings

| <u>Proj.</u><br><u>Bldg.</u><br><u>No.</u> | <u>Dev.</u><br><u>Bldg.</u><br><u>No.</u> | <u>No. of</u><br><u>Occupied</u><br><u>Stories</u> | <u>Basement</u><br><u>In</u><br><u>Bldg.</u><br><u>&amp; Use</u> | <u>Proposed</u><br><u>Building</u><br><u>Use</u> | <u>Building</u><br><u>Footprint</u><br><u>Sq. Ft.</u> | <u>Building</u><br><u>Total</u><br><u>Sq. Ft.</u> | <u>Max.</u><br><u>Hgt.</u><br><u>in</u><br><u>Feet</u> |
|--|---|--|--|--|---|---|--|
| 1  | 1   | 1  |  | office   |   |   | 20   |
| 2  | 2   | 1  |  | office   |   |   | 20   |
| 3  | 3   | 2.5  |  | residential                                      |   |   | 36   |
| (3)  | 3A  | 2.5  |  | retail   |   |   | 36   |
| 4  | 3B  | 2.5  |  | retail   |   |   | 36   |
| 5  | 4   | 1  |  | restaurant                                       |   |   | 26   |
| 6  | 5   | 3  | Parking  | residential                                      |   |   | 40   |
| 7  | 6   | 3  | Parking  | residential                                      |   |   | 40   |
| 8  | 7   | 3  | Parking  | residential                                      |   |   | 40   |
| 9  | 8   | 1  |  | day care   |   |   | 20   |
| 10   | 9   | 2  |  | office   |   |   | 34   |
| 11   | 10  | 1  |  | office   |   |   | 20   |
| 12   | 11  | 3  | Parking  | residential                                      |   |   | 40   |
|  | 12 ?                                      |  |  |  |   |   |  |
| 13   | TH-1                                      | 2  |  | residential                                      |   |   | 30   |
| (13)                                       | TH-2                                      | 2  |  | residential                                      |   |   | 30   |
| (13)                                       | TH-3                                      | 2  |  | residential                                      |   |   | 30   |
| (13)                                       | TH-4                                      | 2  |  | residential                                      |   |   | 30   |
| 14   | TH-5                                      | 2  |  | residential                                      |   |   | 30   |
| (14)                                       | TH-6                                      | 2  |  | residential                                      |   |   | 30   |
| (14)                                       | TH-7                                      | 2  |  | residential                                      |   |   | 30   |
| (14)                                       | TH-8                                      | 2  |  | residential                                      |   |   | 30   |
| 15   | TH-9                                      | 2  |  | residential                                      |   |   | 30   |
| (15)                                       | TH-10                                     | 2  |  | residential                                      |   |   | 30   |
| (15)                                       | TH-11                                     | 2  |  | residential                                      |   |   | 30   |
| (15)                                       | TH-12                                     | 2  |  | residential                                      |   |   | 30   |
| 16   | TH-13                                     | 2  |  | residential                                      |   |   | 30   |
| (16)                                       | TH-14                                     | 2  |  | residential                                      |   |   | 30   |
| (16)                                       | TH-15                                     | 2  |  | residential                                      |   |   | 30   |
| (16)                                       | TH-16                                     | 2  |  | residential                                      |   |   | 30   |
| 17   | TH-17                                     | 2  |  | residential                                      |   |   | 30   |

|      |        |   |   |             |  |  |    |
|------|--------|---|---|-------------|--|--|----|
| (17) | TH-18  | 2 |   | residential |  |  | 30 |
| (17) | TH-19  | 2 |   | residential |  |  | 30 |
| (17) | TH-20  | 2 |   | residential |  |  | 30 |
| 18   | TH-21  | 2 |   | residential |  |  | 30 |
| (18) | TH-22  | 2 |   | residential |  |  | 30 |
| (18) | TH-23  | 2 |   | residential |  |  | 30 |
| 19   | TH-24  | 2 |   | residential |  |  | 30 |
| (19) | TH-25  | 2 |   | residential |  |  | 30 |
| (19) | TH-26  | 2 |   | residential |  |  | 30 |
| (19) | TH-27  | 2 |   | residential |  |  | 30 |
| 20   | TH-28  | 2 |   | residential |  |  | 30 |
| (20) | TH-29  | 2 |   | residential |  |  | 30 |
| (20) | TH-30  | 2 |   | residential |  |  | 30 |
| 21   | TH-31  | 2 |   | residential |  |  | 30 |
| (21) | TH-32  | 2 |   | residential |  |  | 30 |
| (21) | TH-33  | 2 |   | residential |  |  | 30 |
| (21) | TH-34  | 2 |   | residential |  |  | 30 |
| 22   | TH-35  | 2 |   | residential |  |  | 30 |
| (22) | TH-36  | 2 |   | residential |  |  | 30 |
| (22) | TH-37  | 2 |   | residential |  |  | 30 |
| (22) | TH-38  | 2 |   | residential |  |  | 30 |
| 23   | TH-39  | 2 |   | residential |  |  | 30 |
| (23) | TH-40  | 2 |   | residential |  |  | 30 |
| (23) | TH-41  | 2 |   | residential |  |  | 30 |
| (23) | TH-42  | 2 |   | residential |  |  | 30 |
| 24*  | (13 ?) | ? | ? | ?           |  |  | ?  |

What is the structure between Building No. 3 and Building No. 3B?

## 2. Automatic Sprinkler Systems

Authority as per Section 7-3-6 of the municipal “Fire Prevention, Fire Protection, and Life Safety” regulations.

Table 2: Automatic Sprinkler Systems

| <u>Development Building Number</u> | <u>Automatic Sprinkler System</u> |
|------------------------------------|-----------------------------------|
| 1                                  | Recommended                       |
| 2                                  | Recommended                       |
| 3                                  | Required                          |
| 3B                                 | Recommended                       |
| 4                                  | Recommended                       |
| 5                                  | Required                          |
| 6                                  | Required                          |
| 7                                  | Required                          |
| 8                                  | Recommended                       |

|       |             |
|-------|-------------|
| 9     | Required    |
| 10    | Recommended |
| 11    | Recommended |
| 12    | Required    |
| TH-1  | Required    |
| TH-2  | Required    |
| TH-3  | Required    |
| TH-4  | Required    |
| TH-5  | Required    |
| TH-6  | Required    |
| TH-7  | Required    |
| TH-8  | Required    |
| TH-9  | Required    |
| TH-10 | Required    |
| TH-11 | Required    |
| TH-12 | Required    |
| TH-13 | Required    |
| TH-14 | Required    |
| TH-15 | Required    |
| TH-16 | Required    |
| TH-17 | Required    |
| TH-18 | Required    |
| TH-19 | Required    |
| TH-20 | Required    |
| TH-21 | Recommended |
| TH-22 | Recommended |
| TH-23 | Recommended |
| TH-24 | Required    |
| TH-25 | Required    |
| TH-26 | Required    |
| TH-27 | Required    |
| TH-28 | Recommended |
| TH-29 | Recommended |
| TH-30 | Recommended |
| TH-31 | Required    |
| TH-32 | Required    |
| TH-33 | Required    |
| TH-34 | Required    |
| TH-35 | Required    |
| TH-36 | Required    |
| TH-37 | Required    |
| TH-38 | Required    |
| TH-39 | Required    |
| TH-40 | Required    |

|        |          |
|--------|----------|
| TH-41  | Required |
| TH-42  | Required |
| (13 ?) | ?        |

3. Existing Fire Hydrants

The existing fire hydrant alongside Severance Road just east of the intersection of Shea Road should match the symbols used elsewhere on the Site Plan for existing hydrants. The existing hydrant on Severance Road east of the intersection of Dylan Avenue should be shown if it falls within the limits of the present Site Plan.

4. Standpipes

Authority as per Section 7-3-5 of the municipal “Fire Prevention, Fire Protection, and Life Safety” regulations. More than one standpipe may be required in larger buildings. The AHJ must approve the proposed location of the standpipe(s) in each building.

Table 3: Standpipes

| <u>Development Building Number</u> | <u>Standpipe(s)* Required</u> |
|------------------------------------|-------------------------------|
| 3                                  | Yes                           |
| 3A                                 | Yes                           |
| 3B                                 | Yes                           |
| 5                                  | Yes                           |
| 6                                  | Yes                           |
| 7                                  | Yes                           |
| 11                                 | Yes                           |
| 12                                 | ?                             |

5. Fire Department Connections

Authority as per Section 7-2-2 of the municipal “Fire Prevention, Fire Protection, and Life Safety” regulations.

FDCs are required on all buildings with large sprinkler systems. Their locations on the exterior of the buildings are to be determined by the AHJ. Applicant must consult with AHJ on this issue for each and every building. The FDCs must be 4” STORZ connections.

Table 4: Fire Department Connections = 4” Storz

| <u>Dev.<br/>Building<br/>No.</u> | <u>Sprinkler System</u> | <u>FDC Location</u> | <u>Auxiliary<br/>Fire Hydrant<br/>Location</u> |
|----------------------------------|-------------------------|---------------------|--|
| 1                                |                         | See CCVFC Notes.    | See CCVFC Notes.                               |
| 2                                |                         | See CCVFC Notes.    | See CCVFC Notes.                               |
| 3                                | Yes                     | See CCVFC Notes.    | See CCVFC Notes.                               |
| 3A                               | Yes                     | See CCVFC Notes.    | See CCVFC Notes.                               |
| 3B                               | Yes                     | See CCVFC Notes.    | See CCVFC Notes.                               |
| 4                                |                         | See CCVFC Notes.    | See CCVFC Notes.                               |
| 5                                | Yes                     | See CCVFC Notes.    | See CCVFC Notes.                               |
| 6                                | Yes                     | See CCVFC Notes.    | See CCVFC Notes.                               |
| 7                                | Yes                     | See CCVFC Notes.    | See CCVFC Notes.                               |
| 8                                |                         | See CCVFC Notes.    | See CCVFC Notes.                               |
| 9                                | Yes                     | See CCVFC Notes.    | See CCVFC Notes.                               |
| 10                               |                         | See CCVFC Notes.    | See CCVFC Notes.                               |
| 11                               | Yes                     | See CCVFC Notes.    | See CCVFC Notes.                               |
| 12                               | ?                       | See CCVFC Notes.    | See CCVFC Notes.                               |
| (13 ?)                           | ?                       | See CCVFC Notes.    | See CCVFC Notes.                               |
|                                  |                         |                     |  |

6. Fire Alarm Panels The locations to be determined by the AHJ. Applicant must consult with AHJ on this issue for each and every building.

7. Access Box, Lockbox, or “Knoxbox”

Authority as per Section 7-2-3 of the municipal “Fire Prevention, Fire Protection, and Life Safety” regulations. Lockbox locations to be determined by the AHJ. Applicant must consult with AHJ on this issue for each and every building.

8. Residential Units

Table 5: Residential Units

| <u>Project Building<br/>Number</u> | <u>Development<br/>Building Number</u> | <u>Number of Residential Units</u> |
|------------------------------------|--|------------------------------------|
| 1                                  | 1                                      | 0                                  |
| 2                                  | 2                                      | 0                                  |
| 3                                  | 3                                      | 16                                 |
| (3)                                | 3A                                     | 0                                  |
| 4                                  | 3B                                     | 0                                  |
| 5                                  | 4                                      | 0                                  |
| 6                                  | 5                                      | 36                                 |
| 7                                  | 6                                      | 35                                 |
| 8                                  | 7                                      | 32                                 |
| 9                                  | 8                                      | 0                                  |
| 10                                 | 9                                      | 0                                  |
| 11                                 | 10                                     | 0                                  |
| 12                                 | 11                                     | 0                                  |
| 13                                 | 12                                     | 45                                 |
| 14                                 | TH-1                                   | 1                                  |
| (14)                               | TH-2                                   | 1                                  |
| (14)                               | TH-3                                   | 1                                  |
| (14)                               | TH-4                                   | 1                                  |
| 15                                 | TH-5                                   | 1                                  |
| (15)                               | TH-6                                   | 1                                  |
| (15)                               | TH-7                                   | 1                                  |
| (15)                               | TH-8                                   | 1                                  |
| 16                                 | TH-9                                   | 1                                  |
| (16)                               | TH-10                                  | 1                                  |
| (16)                               | TH-11                                  | 1                                  |
| (16)                               | TH-12                                  | 1                                  |
| 17                                 | TH-13                                  | 1                                  |
| (17)                               | TH-14                                  | 1                                  |
| (17)                               | TH-15                                  | 1                                  |
| (17)                               | TH-16                                  | 1                                  |
| 18                                 | TH-17                                  | 1                                  |
| (18)                               | TH-18                                  | 1                                  |
| (18)                               | TH-19                                  | 1                                  |
| (18)                               | TH-20                                  | 1                                  |
| 19                                 | TH-21                                  | 1                                  |
| (19)                               | TH-22                                  | 1                                  |
| (19)                               | TH-23                                  | 1                                  |
| 20                                 | TH-24                                  | 1                                  |

|      |        |          |
|------|--------|----------|
| (20) | TH-25  | 1        |
| (20) | TH-26  | 1        |
| (20) | TH-27  | 1        |
| 21   | TH-28  | 1        |
| (21) | TH-29  | 1        |
| (21) | TH-30  | 1        |
| 22   | TH-31  | 1        |
| (22) | TH-32  | 1        |
| (22) | TH-33  | 1        |
| (22) | TH-34  | 1        |
| 23   | TH-35  | 1        |
| (23) | TH-36  | 1        |
| (23) | TH-37  | 1        |
| (23) | TH-38  | 1        |
| 24   | TH-39  | 1        |
| (24) | TH-40  | 1        |
| (24) | TH-41  | 1        |
| (24) | TH-42  | 1        |
| 25   | (13 ?) | <u>0</u> |
|      | Total  | 206      |

12. Floor Plans Floor Plans of all buildings will be required prior to the issuance of a Building Permit.
13. Regulations A copy of the municipal “Fire Prevention, Fire Protection, and Life Safety” regulations is available on-line at: <http://town.colchester.vt.us/index2.htm>
14. Fire Truck Access Building Numbers 5, 6, and 11 are 3 stories high and are required to have 100% of their exterior accessible by Tower Truck.

**Section 403 Escrow Requirements:** The applicant should provide letters of credit or escrows for the proposed streets, sidewalks, and bike path. The applicant shall phase the letter of credit per a construction phasing plan as part of the Final Plat submittal.

Dated at Colchester, County of Chittenden, State of Vermont this 29th day of August 2007

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**DEVELOPMENT REVIEW BOARD**



**TOWN OF COLCHESTER**

**COUNTY OF CHITTENDEN**

**STATE OF VERMONT**

|        |   |  |
|--------|---|--|
| In Re: | Ireland Industries, Inc.<br>100 Grove Street<br>Burlington, Vermont 05401 | Ireland Industries, Inc.<br>P.O. Box 2286<br>South Burlington, Vermont 05407 |
|--------|---|--|

Wright & Morrissey, Inc.  
P.O. Box 421  
Burlington, Vermont 05402

Tax Map 4, Parcel 030012 - 242 Severance Road  
Tax Map 4, Parcel 030023 - Severance Road  
Tax Map 4, Parcel 030033 - Severance Road  
Tax Map 4, Parcel 032003 - Roosevelt Highway

**ORDER**

Based upon the aforesaid Findings of Fact, the Colchester Development Review Board hereby grants approval of the Final Plat and Site Plan application of Ireland Industries, Inc. The proposal is to subdivide four existing parcels for a total of 86.7 acres into seven lots. The project will be developed as a Planned Unit Development to accommodate 206 residential dwelling units, 12,400 square feet of retail space, 34,040 square feet of office/commercial space, 4,050 square feet of restaurant space and 4,050 square feet of daycare space. The approval applies to lands identified in Book 128, Pages 397 and 399, Book 525, Page 629 and Book 66. The subject property is located at the intersection of US Routes 2 & 7 and Blakely and Severance Roads, Tax Map 4, Parcels 30-1, 30-2, 30-3 and 32. The approval is per a forty-five (45) page set of plans entitled "Ireland Industries PUD Severance Road" prepared by Rabideau Architects, Inc., Resource Systems Group, Inc. and Gilman and Briggs Environmental, Civil Engineering Assoc., and T. J. Boyle Associates and stamped received on September 6, 2005 by the Planning and Zoning Office with the following conditions:

1. All previous approvals and stipulations which are not superseded by this approval shall remain in effect.

2. In accordance with Colchester's Fee Ordinance Chapter 6 ½ - 4 (9) the applicant is responsible for payment of all permit fees as well as for the costs of reviews conducted by third-party consultants/experts requested by the Town. All fees shall be paid prior to or at the time of obtaining a building permit.
3. No excavation, site development, or building construction shall occur until the applicant has obtained all necessary permits from the Town of Colchester in accordance with the Building, Zoning, Health and other applicable ordinances that may be required.
4. Prior to recording the Final Plat, the applicant shall submit two sets of revised plans depicting the Following:
  - a. The path shall be complemented by benches especially along the portion of Shea Drive that backs up to a wetland area that will be a natural preserve area. Small sitting areas shall be constructed along this portion of the path to let pedestrians visually access the natural area.
  - b. One additional bike rack will be shown near the entrance of building #2 on plans submitted for final recording with the Town;
  - c. The Plat plan submitted for final recording with the Town will have a note added regarding the clearing restriction within the buffer against Pheasant Woods.
  - d. An easement to the Town of Colchester for the proposed sanitary sewer line along the northwest portion of the project on both the plans and the Final Plat.
  - e. All bike paths within the development that are not within the Town right-of-way shall be within easements provided to the Town.
  - f. A suitable access road to the stormwater detention ponds. A six foot-high security fence shall be constructed around the stormwater detention ponds.
  - g. Site specific detail for the End Section Detail w/stone fill. The Flared End Section shall be located within the center of the stone lined ditch.
  - h. All future parking areas shall be shown on the Final Plans depicting parking spaces provided off of the right-of-way and served by a single driveway.
5. Prior to recording the Final Plat plan, the applicant shall submit a copy of the survey plat in digital format (NAD83) meeting the Town of Colchester "Specifications for the Submission of Survey Plats, Final Plat Plans & Boundary Line Adjustments in Digital Form" Policy. The format of the digital information shall require approval of the Town Planner. Upon certification by the Chairman or Clerk, the Mylar copy shall be submitted to the Town Clerk to be filed in the Town Land Records.
6. The Final Plat plan shall be recorded in the Town of Colchester land records within 180 days of Final Plat approval or the Final Plat approval is null and void. The final plat plan shall be in the form of a Mylar copy (18" by 24") depicting meets and bounds survey of the approved subdivision and shall identify a minimum of three witness monuments located, or to be located on, the property with boundaries referenced to the Colchester Plane Coordinate System (coincident with the Vermont Plane Coordinate System) based on the 1983 North American Datum. Such monuments shall be established at a minimum survey error of closure of 1:10,000. All plans to be recorded shall meet the requirements of the Town of Colchester's "Specifications for the Submission of Survey or Boundary Line Adjustment

- Mylars to be recorded in the Town Land Records” Policy. The plan shall be signed by the Development Review Board Chair or Clerk prior to recording.
7. Prior to the issuance of an individual building permit, the applicant shall provide a list of specific energy standards for the proposed structure that meet or exceed the Vermont Residential Building Standards.
  8. All buildings shall be designed to the energy performance requirement in the Vermont Act 250 Energy Guidelines.
  9. Prior to the issuance of any Building Permits the property front line corners for each lot shall be established with witness stakes or iron pins. Prior to issuance of a Certificate of Occupancy said property line corners shall be established with permanent monumentation.
  10. Prior to the start of each phase, the applicant shall provide sufficient documentation from CWD showing adequate water storage.
  11. At such time as the emergency generator for the pump station warranted, the applicant shall pay a fee towards the cost based upon their total wastewater allocation at full build-out.
  12. The left turn lane shall be constructed in conjunction with the first site development permit and finished prior to issuance of the first Certificate of Occupancy.
  13. The applicant shall submit a phasing table for the project prior to the issuance of any building permit. The table shall include water, wastewater, traffic numbers, dates, etc. If during any phase it appears that there is not enough water or sewer to serve that phase, no building permits will be issued. If at any time the Town finds there is no longer sufficient parking, the developer will be required to construct the reserved parking needed to provide parking in accordance with this approval and the Zoning Regulations.
  14. After each phase of the project the applicant shall perform a warrant analysis for all required improvements. Phase I consists of 71 residential one and two bedroom units with a start date of Spring 2008. Phase II consists of 32 residential one, two and three bedroom units, day care and office space with a start date of September of 08. Phase III consists of 16 residential one bedroom units, office space with a start date of April 2009 and a restaurant. Phase IV consists of 54 residential one and two bedrooms units with a start date of September 2009.
  15. The applicant shall contribute toward the total project cost of improvements to the Severance Corner's Intersection and pedestrian improvements along Severance Road and U.S. Rt. 7 as outlined in a Public/Private Partnership Agreement currently being negotiated between the Town of Colchester and all Developers within the Severance Corners Growth Center. No building permits will be issued until this improvement agreement is finalized.

16. The applicant shall be aware that any substantive changes such as a reduction in lots or substantially revised layout resulting from mitigation for archaeological sites would require a Final Plat amendment.
17. Per the Fire Department requirements the following are required:
  - i. A locator light shall be provided at all FDC's.
  - j. Standpipes shall be provided for a 3 story buildings
  - k. All 4-plexes and any building of 10,000 sq. ft. or larger are required to have sprinklers.
  - l. All buildings shall meet the 25 foot minimum separation between buildings as required by the Town.
  - m. An access box with the required keys shall be required and located as determined by the AHJ.
  - n. Elevators shall meet the requirements of Section 7-62.
  - o. The fire alarm panel location shall be determined by the AHJ.
18. Prior to issuance of any building permits, floor plans shall be required for all buildings.
19. Recreation and school impact fees shall be paid prior to issuance of individual building permits.
20. Prior to issuance of a Certificate of Occupancy the E-911 address and unit number shall be posted on the exterior of each unit in an area that will be lit when and if a porch or other exterior light is on.
21. As each building is considered in the Site Plan review process, the parking requirements for the building being considered shall be reviewed under the Zoning Regulations in effect at that time.
22. All utilities within the project shall be underground.
23. Unless a waiver is granted by the Board, all dumpsters shall meet setback requirements and submit revised plans to include roofs.
24. Loading docks, truck parking, utility meters, HVAC equipment, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the building and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties.
25. The applicant shall utilize a variety of colors, especially for the townhouses to avoid identical replication of structures.
26. All proposed street lights within public rights-of-way shall be constructed so as to become the property of the Town upon acceptance of the street.

27. No outside storage or display was requested or approved at this time. Any proposals for outside storage or display will be required to amend the Site Plan for the building at a future date. Any outside storage or display shall be appurtenant to the primary use of the property.
28. No utility, commercial or overhead doors were requested or approved at this time.
29. All utility cabinets shall include suitable fencing to protect the public and sufficient landscaping with evergreens of sufficient height and density to screen effectively the facility from surrounding property.
30. Trash removal for the townhouses shall be curbside. All dumpsters shall have enclosed screening structures including the fully enclosed buildings as shown on the landscape screening plan.
31. The applicant shall enter into a Stormwater Permit Co-Applicant Maintenance Agreement which shall be executed in conjunction with and upon acceptance of the roads and public right-of-way.
32. Landscaping will be installed in coordination with the phasing of the overall project.
33. Multi-family residences and commercial or industrial suites shall contain appropriate directional signs, as defined in the Colchester Sign Ordinance, and numbering systems at major entrances. The applicant shall work with the Town Assessor to provide street numbers for units prior to issuance of building permits. All directional signage, street name signs, and unit numbers shall be installed prior to issuance of a Certificate of Occupancy.
34. No more than two satellite dishes shall be located on a structure without site plan approval by the Development Review Board including residential units. Every effort shall be made to screen such dishes and locate such dishes off the primary façade of a structure.
35. No floor drains will be allowed unless specifically approved by the Public Works Department.
36. Each time a use changes, a cumulative impact statement must be updated and submitted to the Planning and Zoning Office noting number of employees per shift, hours of operation, projected sewer, water and traffic, and estimated parking usage at different times of the day. Should a use exceed the constraints of the parking, sewer or water, or traffic the Development Review Board would be required to review the change in use.
37. All buildings shall comply with the height limitations in the GD-3 District as illustrated on the architectural elevations.

38. All roof mounted mechanical equipment and duct work with projects vertically more than 1.5 feet above the roof or roof parapet shall be screened by a permanent enclosure which uses material, design, and color which are consistent with the color scheme of the building.
39. The 'open land' will be owned by the Master Association and as such will be maintained by the Association as a common element shared between all members of the Association.
40. All areas designated as pocket parks or more formal recreation areas shall be regularly maintained, i.e. cleaned, mowed, and landscaped by the Association on a regular basis.
41. Approval of this application does not constitute final approval of the sewage system design for construction. A sewage permit shall be obtained before construction begins and additional reviews and requirements may apply.
42. A sign application must be submitted by the applicant and must be reviewed and approved by the Zoning Administrator prior to the erection of any signs. No signage is approved at this time.
43. Disposal of excavated earth material, stumps, brush, or other material removed from this site shall take place at a location properly permitted for such activity. Placement of fill material in Colchester requires a permit to be obtained by the owner of the land to be filled. Improper placement of material from this site shall constitute a violation of this approval.
44. Prior to issuance of a site development permit, the applicant shall:
  - a. schedule a pre-construction meeting with Town Staff;
  - b. submit association documents and the Declaration of Condominium for the Town Attorney to review and approve;
  - c. submit a Public Improvement Agreement with the Town that includes sufficient surety which guarantees the installation of all required public improvements and warrants their performance for a two-year period following final construction inspection and acceptance. The amount of the surety shall be approved by the Town Engineer, and the form and execution of the surety and development agreement shall be approved by the Town Attorney. For the purposes of this section all public roadways, traffic signage, streetlights, street trees, and drainage improvements and other public infrastructure shall be considered public improvements;
  - d. submit adequate surety to guarantee the installation and performance of the approved landscaping;
  - e. submit executed warranty deeds for all rights-of-way and easements to be dedicated to the Town, and a Certificate of Title showing the title to be free and clear of all encumbrances. All applicable State permits shall be submitted with the deeds and easements to ensure that the Town will not be unduly burdened by these permits. Deeds and certificates shall be approved by the Town Attorney. Approval of deeds by the Town does not constitute acceptance of the right-of-way. The Town may release all interest to the right-of-way at any time;

- f. submit easements to the Town Attorney for review and approval;
  - g. submit legal documents banning the storage of recreational vehicles within the project to the Town Attorney for review and approval;
  - h. submit language within the legal documents to include a restriction for clearing vegetation within the buffer to Pheasants Woods to the Town Attorney for review and approval;
  - i. for all new proposed public roads the applicant shall submit to the Town Engineer: 1) a traffic and engineering study for speed limits; and 2) a warrant analysis for any location where a stop or yield sign is proposed. These studies shall be conducted by a licensed engineer and approved by the Town Engineer; Director of Public Works and the Chief of Police. At least 60 days prior to submitting a request to the Select Board to open the highway, the developer shall request a traffic ordinance amendment for all traffic signs;
  - j. Residential units shall be restricted to a maximum of 2 vehicles. No recreational vehicles are permitted on site. Homeowner's Association documents shall provide for overflow parking on all lots within the Planned Unit Development.
  - k. The Homeowner's Association shall establish a reserve fund for those lots with reserved parking. The reserve parking fund shall be set aside so as to construct the required parking if determined to be necessary by the Town in accordance with Section 10.01 of the Zoning Regulations at a later date.
45. By acceptance of these Findings of Fact and Order the Permittees agree to allow representatives of the Town of Colchester access to the property covered by the approval for the purpose of ascertaining compliance with all local regulations and with this Order.
46. As required under Section 204(E) of the Subdivision Regulations, this approval shall expire and be of no force and effect if of the approved project has not been substantially constructed within five (5) years of the date of approval. Said five (5) shall be extended by any action caused court proceedings. This project is subject to the phasing schedule approved by the Development Review Board.
47. All proposed public roads, bike paths and sidewalks shall be designed and constructed in accordance with Chapter 14 of the Colchester Town Ordinances unless modifications are granted in a waiver from the Public Works Director.
48. Record drawings shall be submitted to, and approved by the Town Engineer prior to acceptance of any public improvements. Record drawings shall be submitted in paper and digitally (compatible with NAD83) and shall include all public improvements and infrastructure located with the public right-of-way, and all private infrastructure located out side of public right-of-way, including but not limited to storm water ponds, pipes, ditches, swales, catch basins, manholes and any other storm water system feature, and, all private wastewater infrastructure, including, but not limited to leach fields, septic tanks, pumping statng pipes, etc.
49. The Town may require full time inspection during installation of public improvements by the Town's designated inspector to be paid by the permittee.

50. Prior to issuance of a Certificate of Occupancy, the Town Engineer or designee shall conduct an inspection of public improvements. Such improvements, to the extent that they affect safe occupancy of the property, shall be substantially complete and satisfactory for Town acceptance. No Certificate of Occupancy shall be issued prior to installation, completion, and formal acceptance by the Town of all public improvements.
51. The project shall be constructed and operated in accordance with the submitted application documents, the stamped approved plans, the Findings of Fact and Order, the Colchester Zoning Regulations and Subdivision Regulations. There shall be no change in the proposed use or approved plans without prior approval of the Town. The Development Review Board reserves the right to review and issue supplementary Findings of Fact and Order for any substantial change in the project approved herein. Any unauthorized change from the approved plans shall be grounds f

#### IV. APPEAL RIGHTS

**The owner of the project property and interested persons have a right to appeal this decision, within 30 days of the date this decision is issued, to the Vermont Environmental Court, pursuant to 24 V.S.A. § 4471 and V.R.E.C.P. in writing to the Vermont Environmental Court, 2418 Airport Road, Barre, Vermont 05641 and a copy to Colchester Development Review Board at P.O. Box 55, Colchester, Vermont 05446. The fee is \$225.00 made payable to Vermont Environmental Court. If you fail to appeal this decision, your right to challenge this decision at some future time may be lost because you waited too long. You will be bound by the decision, pursuant to 24 V.S.A. § 4472 (d) (exclusivity of remedy; finality). This also applies to any interested person(s) who may have had a right to appeal.**

Dated at Colchester, County of Chittenden, State of Vermont this 29th day of August 2007.

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**DEVELOPMENT REVIEW BOARD**